THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 12025 of 2005

Dated: 21-07-2006

Between:

Mohammed Abdul Rouf

..... PETITIONER

AND

The Regional Pass Port Officer,
Government of India, Secunderabad,
Hyderabad and another.

.....RESPONDENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 12025 of 2005

O R D E R:

On 19-11-1995 the petitioner was granted passport bearing No.289904. However, the date of birth of the petitioner was wrongly mentioned in the passport as
29-01-1972 where as the petitioner was born on 29-01-1978. It is stated that even in the S.S.C marks memo, the petitioner's date of birth was mentioned as 29-01-1978. In the circumstances, the petitioner made an application before the first respondent requesting to rectify the error in the passport. However, the first respondent by order dated
30-03-2005 called upon the petitioner to produce the documents to substantiate his correct date of birth. That part the first respondent was also insisted to obtain an order from competent Court. Hence, this writ petition, seeking a declaration that the action of the respondents, is arbitrary and illegal.

Despite notice, the first respondent did not choose to appear nor any counter affidavit is filed.

Pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

> " (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the

correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth."–

Accordingly, the writ petition is disposed of with a direction to the respondents to consider the application made by the petitioner in the light of the circular dated 18-04-2001 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. No costs

_____

G. ROHINI, J

Dated: 21-07-2006
Note: Issue C.C. by Monday
B/o
KLP